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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,103	08/26/2003	Bobby Tse Chun Hin	61092-0006	5477

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EXAMINER

HAROON, ADEEL

ART UNIT PAPER NUMBER

2685

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,103

Applicant(s)

TSE CHUN HIN, BOBBY

Examiner

Adeel Haroon

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings were received on 2/17/04. These drawings are not acceptable.
2. The drawings are objected to because the drawings are faded and unclear. Specifically figure 2 does not have reference numerals for all the elements on the left hand side and the overall figure is faded. Figures 1 and 3 are also faded and unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "said audio player" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said audio player" in lines 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 6, 11, 13, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (U.S. 2003/0026439).

With respect to claim 1, Yamamoto discloses a holder, element number 10B, for a portable audio player, element number 100', adapted to a compressed audio format in figure 5 (Paragraphs 67 and 69). Yamamoto also discloses the holder comprising a power transmitting plug extending from the body and adapted for insertion into a vehicle cigar lighter socket, element number 4 (Paragraph 39). Yamamoto discloses a restraint, element number 18A, adapted to hold a portable audio player (Paragraph 68). Yamamoto discloses a FM transmitter, element number 20 (Paragraph 62). Yamamoto further discloses a first connection, element number 29, to couple the audio output of said audio player to said transmitter (Paragraph 68) and a second connection, element number 24, to couple said transmitter to said plug (Paragraph 44).

With respect to claim 2, Yamamoto further discloses a third connection, element number 62, to couple the power supply of the audio player to the plug (Paragraph 90).

With respect to claim 3, Yamamoto further discloses the third connection couples a charging unit for the audio player to the plug (Paragraph 90).

With respect to claims 5 and 6, Yamamoto further discloses a transformer, element number 60, to provide a predetermined voltage for the audio player and transmitter (Paragraph 89).

With respect to claim 11, Yamamoto further discloses a releasable latch, element number 18A, to retain the audio player (Paragraph 68).

With respect to claim 13, Yamamoto discloses a method of playing, in a vehicle, audio contained in a digital flash memory, element number 56, in figure 6 (Paragraph 75). Yamamoto discloses a holder, element number 10C, for the flash memory (Paragraph 76). Yamamoto discloses the holder with an integral plug, element number 12, for insertion into a vehicle cigarette lighter socket (Paragraph 39). Yamamoto discloses a FM transmitter, element number 20, in holder and power by plug (Paragraph 62). Yamamoto also discloses generating audio from the memory, broadcasting the audio from the transmitter, receiving the audio on an FM radio, and playing the audio on loudspeakers connected to the FM radio (Paragraphs 77 and 79).

With respect to claim 17, Yamamoto discloses a method of playing compressed digital audio in a vehicle by coupling the audio to a transmitter, transmitting the audio on a FM waveband, receiving the audio of an in-car FM receiver, and playing the audio on in-car speakers (Paragraphs 77 and 79).

With respect to claim 18, Yamamoto discloses converting the compressed digital audio to an analog audio output and coupling the output to the transmitter (Paragraph 77)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. 2003/0026439).

With respect to claim 4, Yamamoto's holder is described above in the discussion of claim 1. Yamamoto does not expressly disclose the audio format being a MP3 or WMA format. However, MP3 and WMA formats are extremely well known in the art. Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to use MP3 or WMA formats in order to be compatible with conventional audio players.

With respect to claim 12, Yamamoto's holder is described above in the discussion of claim 1. Yamamoto does not expressly disclose the transmitter having an effective range of less than 1,000 mm. However, Yamamoto does disclose the transmitter signal is weak so that it can only be received by the car's stereo (Paragraph 68). Since the distance between the cigarette lighter and the car's stereo is less than a 1,000 mm, it would be obvious to one of ordinary skill in the art at the time of the

applicant's invention to keep the effective range of the transmitter to less than 1,000 mm in order not to interfere with other devices and only communicate with the car's stereo.

With respect to claim 14, Yamamoto's method is described above in the discussion of claim 13. Yamamoto does not expressly disclose the audio format being a MP3 or WMA format. However, MP3 and WMA formats are extremely well known in the art. Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to use MP3 or WMA formats in order to be compatible with conventional audio players.

9. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. 2003/0026439) in view of Chang (U.S. 6,480,378).

With respect to claim 7, Yamamoto's holder is described above in the discussion of claim 1. Yamamoto does not expressly disclose the holder in the form of a cradle. However, Chang discloses holder for a portable device adapted for insertion into a vehicle power source, cigarette lighter, that is in the form of a cradle in figure 3. Chang teaches a the cradle, element number 20, being adapted to the shape of the portable device, the cradle having a front side exposing in use the portable device controls, and a rear side from which the plug, elements numbers 30 and 40, extend (Column 2, lines 45-48 and 54-58). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to use the cradle holding technique of Change in the

holder of Yamamoto in order to provide a stable placement rack for the portable audio player.

With respect to claims 8-10, the modified holder of Yamamoto and Chang is described above in the discussion of claim 7. Chang's cradle as seen in figure 3 comprises a "U" shaped recess, open fronted slot, element number 23, open at one side to retain the portable device in the direction, defined by a mouth, of entry/exit (Column 2, lines 54-58). Therefore, it would be obvious to one of ordinary skill in the art at the time of the applicant's invention to use the cradle holding technique of Chang in the holder of Yamamoto in order to provide a stable placement rack for the portable audio player.

Conclusion

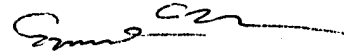
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tien et al (U.S. 6,381,452) discloses multifunction audio player using a vehicle's audio system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
12/15/05

A handwritten signature in black ink, appearing to be "Edward Urban", written over a horizontal line.